

Remarks

We are in receipt of the Office Action dated March 28, 2006, and the following remarks are made in light thereof.

Claims 1-12 are pending in the application. Pursuant to the Office Action, claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Redding US 5,466,110. In addition, claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable under Bayne US 5,308,211 in view of Redding et al. US 5,466,110.

The Examiner also commented on the Information Disclosure Statement filed June 20, 2004, noting that it failed to provide copies of certain foreign patent documents and non-patent literature publications, namely, DE 1 236 403 and a "Rubbermaid Mobile Toter" news release. Copies of those accompany the present response, along with a new Form PTO/SB/08 listing the same. Applicants respectfully request that the Examiner review the listed documents and indicate his consideration thereof on the Form PTO/SB/08. It is not believed that any fee is due in connection with the submission of these references, as they had been previously cited to the PTO. However, if a fee is due, please charge the deposit account 50/1039.

Turning to the rejection of claims 1-12 for anticipation over Redding, Redding discloses a cart lifter comprising a first face plate 40 that carries an upper hook 110 and a second face plate 70 slidably secured to the first face plate 40 and having a lower hook 120. The lower hook 120 is mounted on a pair of extension rods 124 and includes "biasing means" 130 for biasing the lower hook member toward a position projecting outwardly from the face plate 70. The operation of the lifter is shown in Figs. 4a-4d.

The lower hook 120 slides on the extension rods 124 to retract toward the face plate 70 upon contact with the receptacle 30 (see Fig. 4b).

In the present invention, the lifting device called for in the independent claims 1 and 7 has a lower hook that is pivotally mounted to the lifting device and is moved by an actuator arm pivotally connected to the base and operatively connected to the hook which, when the lift device is moved from the raised, inverted position to the lower position, the hook is moved to the retracted position. Redding neither discloses nor suggests either a pivotally mounted hook or an actuator arm for moving the hook as called for in claims 1 and 7. Thus, Applicant asserts that neither claims 1 nor 7, nor the claims dependent therefrom, are anticipated by Redding.

Turning to the rejection of the claims 1-5 and 7-11 as being unpatentable over Bayne in view of Redding et al., the Examiner cites Bayne for disclosing all the features called for in these claims except the upper latch member being fixed to the face plate. Redding et al. is cited for teaching the upper latch member being fixed to the face plate.

The operation of the lower latch member 110 of Bayne is shown in Fig. 5 and described in the specification at column 11, line 63-column 12, line 6. The lower latch member 110 is described as being pivoted relatively downward from its extended position into a retracted position automatically in response to engagement with the refuse receptacle cart being lifted thereby. Clearly, it is not moved to its retracted position by an actuator arm carried by the base and operatively connected to the hook, as required by both claim 1 and claim 7. Further, the hook 110 of Bayne is not moved to its retracted position in response to the lifter being moved to its lower position, as required by claims 1 and 7. Because the hook 110 automatically retracts in response to

being engaged by a cart, there is no need for an actuator arm as required in the pending claims, and thus no motivation to modify Bayne to include such an actuator arm. The teaching of Redding et al. of a fixed upper hook is simply irrelevant in this regard. Accordingly, Applicant submits that none of claims 1-5 and 7-11 is rendered unpatentable over Bayne in view of Redding et al.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of the pending claims. An early Office Action in this regard is earnestly solicited.

Respectfully submitted,



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